Atty. Dkt. No. 00CR063/KE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitchell, James P.

Title: COMMUNICATION SYSTEM AND METHOD FOR A MOBILE PLATFORM

Appl. No.: 09/493,472

Filing Date: 01/28/2000

Examiner: Lambrecht, Christopher M.

Art Unit: 2611

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, James P. Mitchell, state and declare that:

1. I am the inventor of Claims 1-30 currently pending in U.S. Patent Application No. 09/493,472 titled "COMMUNICATION SYSTEM AND METHOD FOR A MOBILE PLATFORM" (hereinafter "the '472 application").

2. I understand that in an Office Action dated July 27, 2006, each of Claims 1-30 were rejected as being unpatentable based in part on the use of U.S. Patent No. 6,810,527 to Conrad et al., entitled "SYSTEM AND METHOD FOR DISTRIBUTION AND DELIVERY OF MEDIA CONTEXT AND OTHER DATA TO AIRCRAFT PASSENGERS" (hereinafter "Conrad et al.").

3. I understand based on the information provided on the front page of Conrad et al. that Conrad et al. has a filing date of September 27, 1999.

4. Prior to September 27, 1999, I conceived and actually reduced to practice in the United States the ideas set forth in Claims 1-30 of the '472 application (as evidenced by the attached Exhibits A and B).

5. Exhibit A (11 pages), titled "DBS Aviation Data Channel Concept," is a redacted copy of pages from a document outlining and describing the specifications and functionality of a communication and video system for a mobile platform. Exhibit A

outlines the "Communication System and Method for a Mobile Platform" described and claimed in the '472 application.

6. Exhibit A outlines a communication and a video system for a mobile platform (shown as an airplane). On pages 3 through 7, the airplane is shown as being stationary at a docking area (shown as a gate). Referring to pages 8 and 11 in particular, the document notes that a server may be located at the docking area and may include a wireless docking area transceiver, a first satellite receiver and a first storage unit. Exhibit A outlines that the server may store order wire data received by the first satellite receiver and to store video data received by the first satellite receiver in the storage unit in response to the order wire data. Referring again to pages 8 and 11, the document notes that a second satellite receiver, a wireless platform transceiver and a second storage unit may be located on the mobile platform, and that the wireless platform transceiver receives the order wire data and the video data from the wireless docking area transceiver while the mobile platform is at the docking area. Exhibit A outlines that the second storage unit may store video data for playback in the mobile platform, that the second storage unit may store the order wire data, and that the order wire data may control a source of video for playback of a program being either video data in the second storage unit or the second satellite receiver, or both the second storage unit and the second satellite receiver.

7. Exhibit B (3 pages), titled "ATC DBS Technology Demonstration," is a redacted copy of pages from a document outlining and describing the demonstration of a communication and video system for a mobile platform. Exhibit B outlines the demonstration of the "Communication System and Method for a Mobile Platform" described and claimed in the '472 application and outlined in Exhibit A. The demonstrated communication and video system worked for its intended purpose as documented on pages 2 and 3 of Exhibit B which include the statement "Demonstrated Operational [a time period prior to September 27, 1999]." The demonstration outlined by Exhibit B was confidential and witnessed by the following employees of Rockwell Collins: Clay Jones, Larry Erickson, Dan Zange, Jim West and Dan Houghkirk.

8. Each of the dates deleted from Exhibits A and B is prior to September 27, 1999. Exhibits A and B were each in existence prior to September 27, 1999.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issuing therefrom.

Date: Sept 26, 2006 By: _____
James P. Mitchell

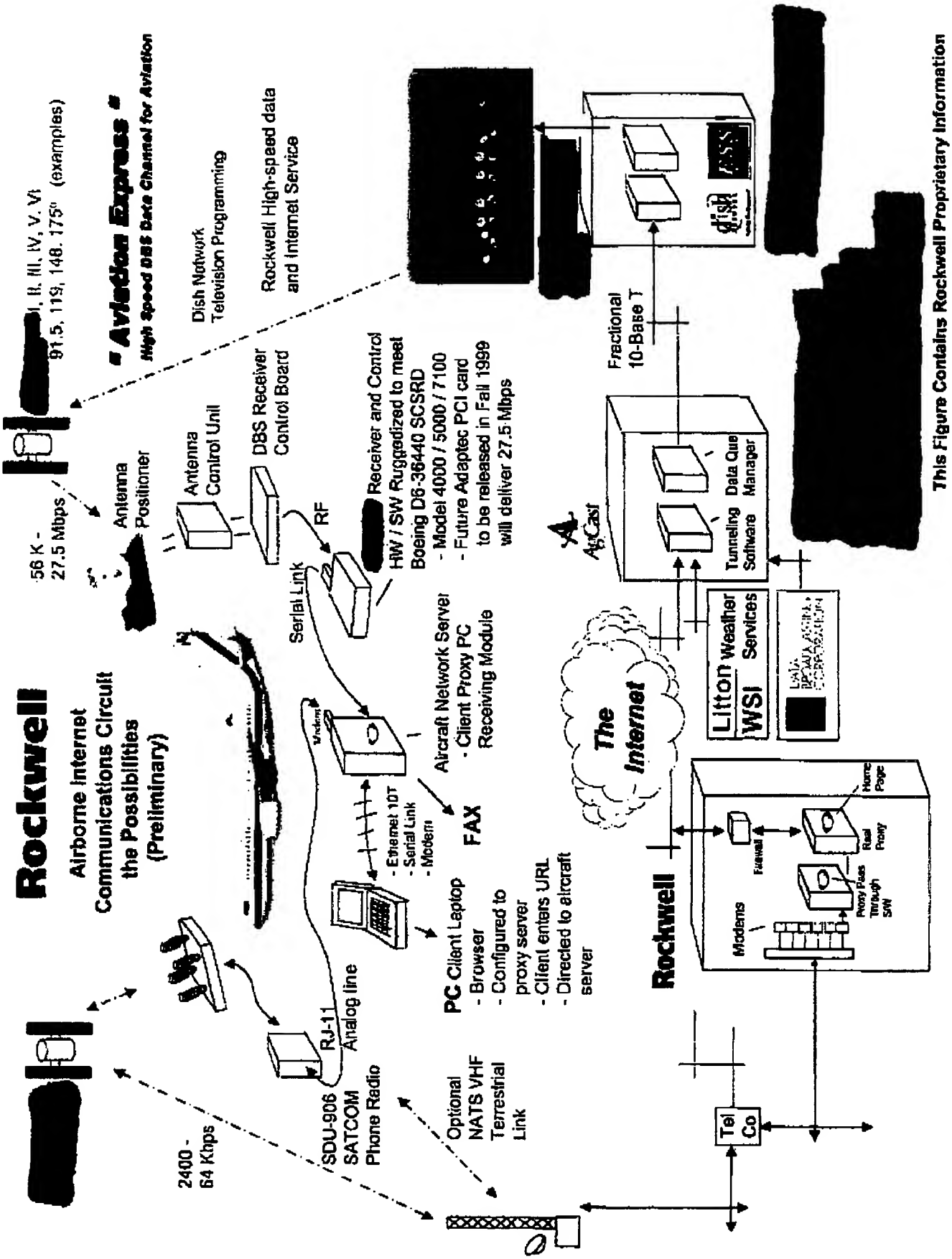
Rockwell

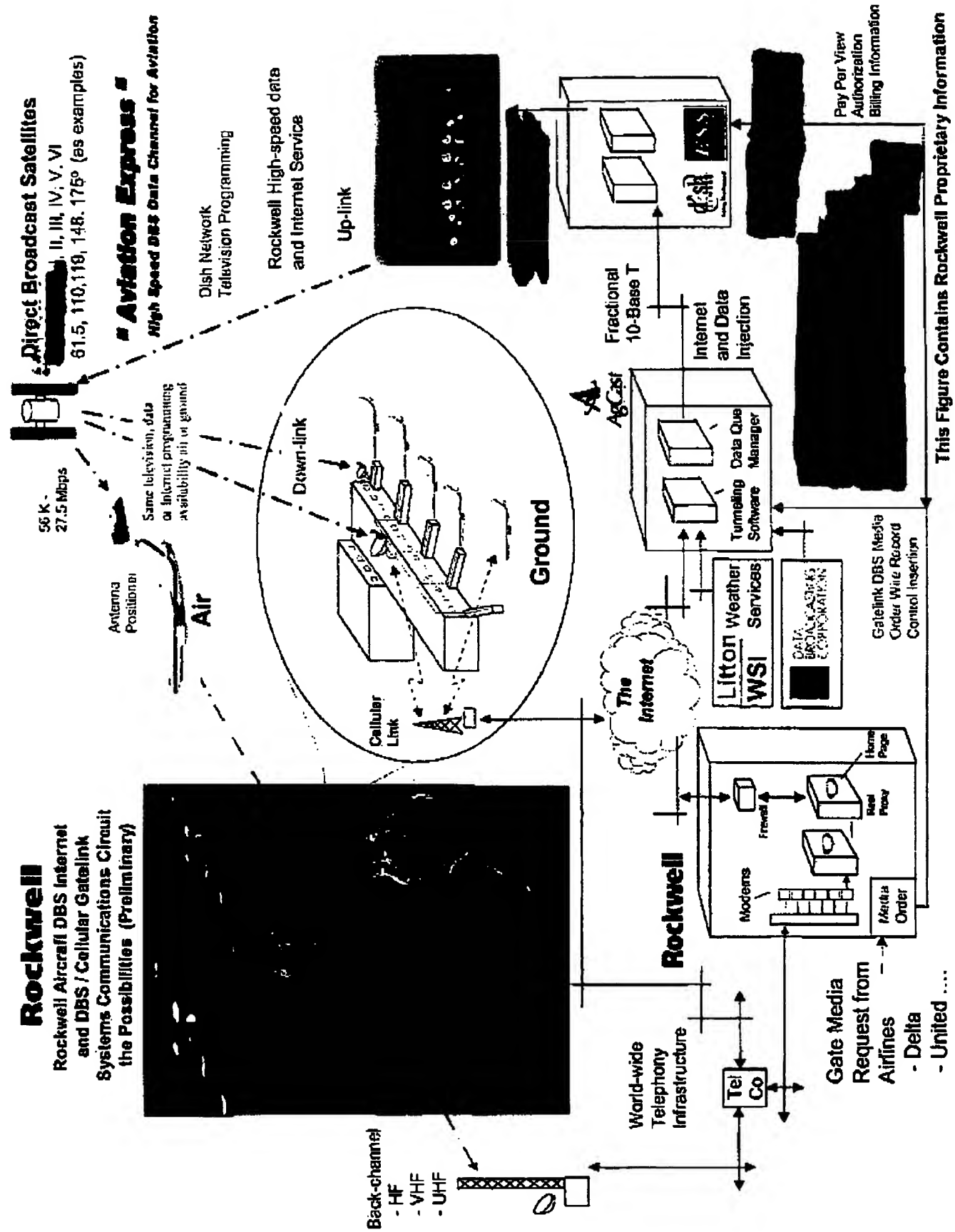
EXHIBIT A

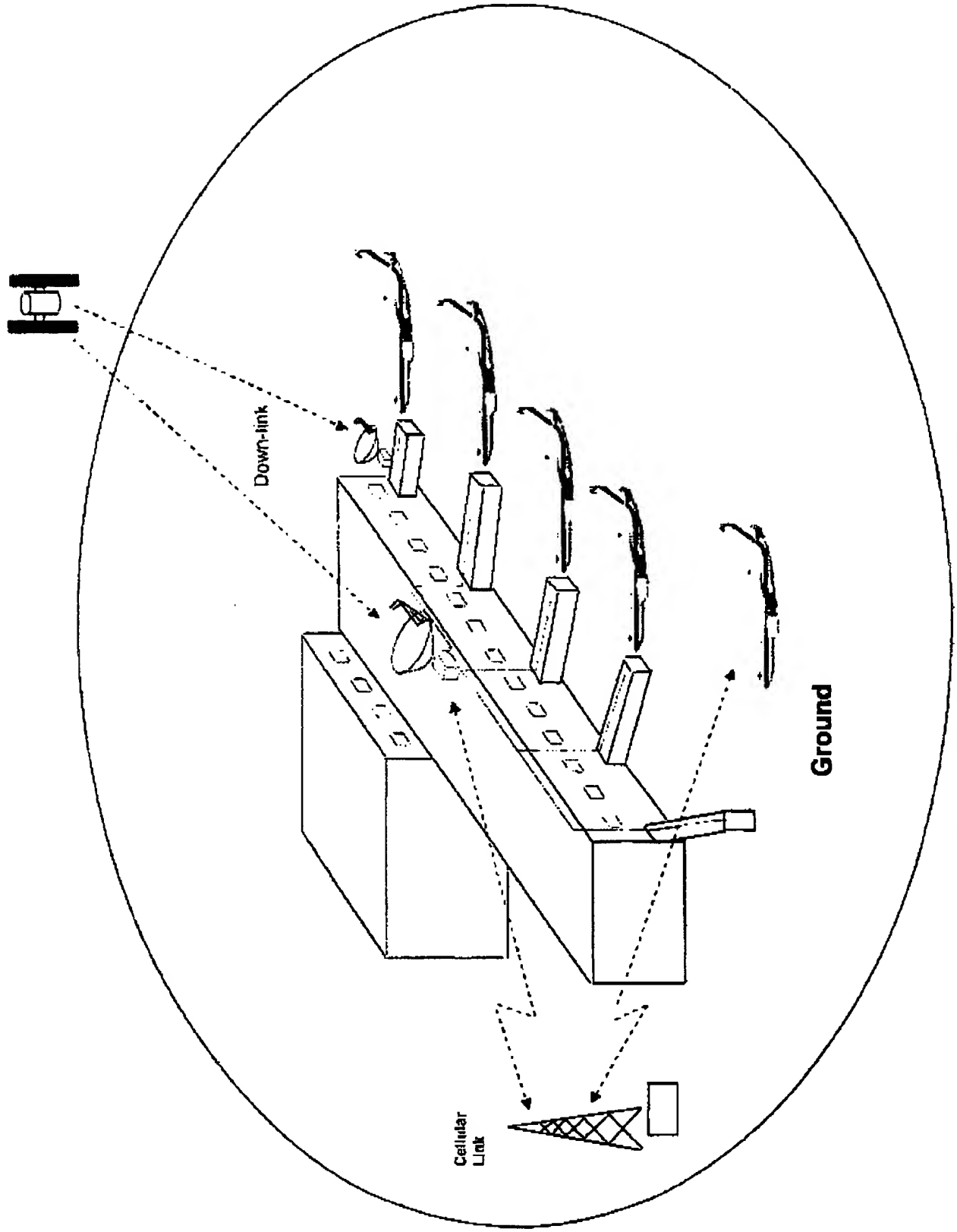
DBS Aviation Data Channel Concept

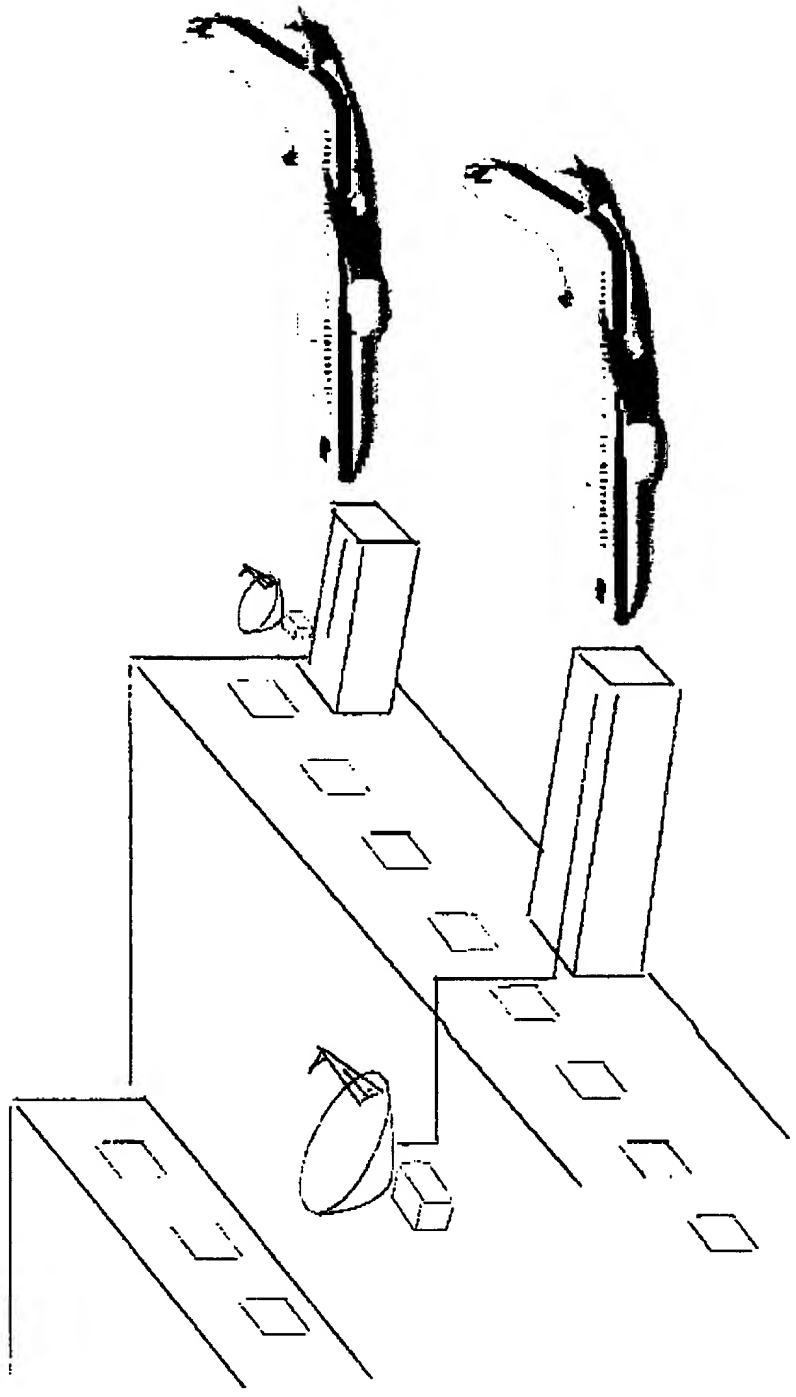
Advanced Technology Center
Internet ATD Demonstration

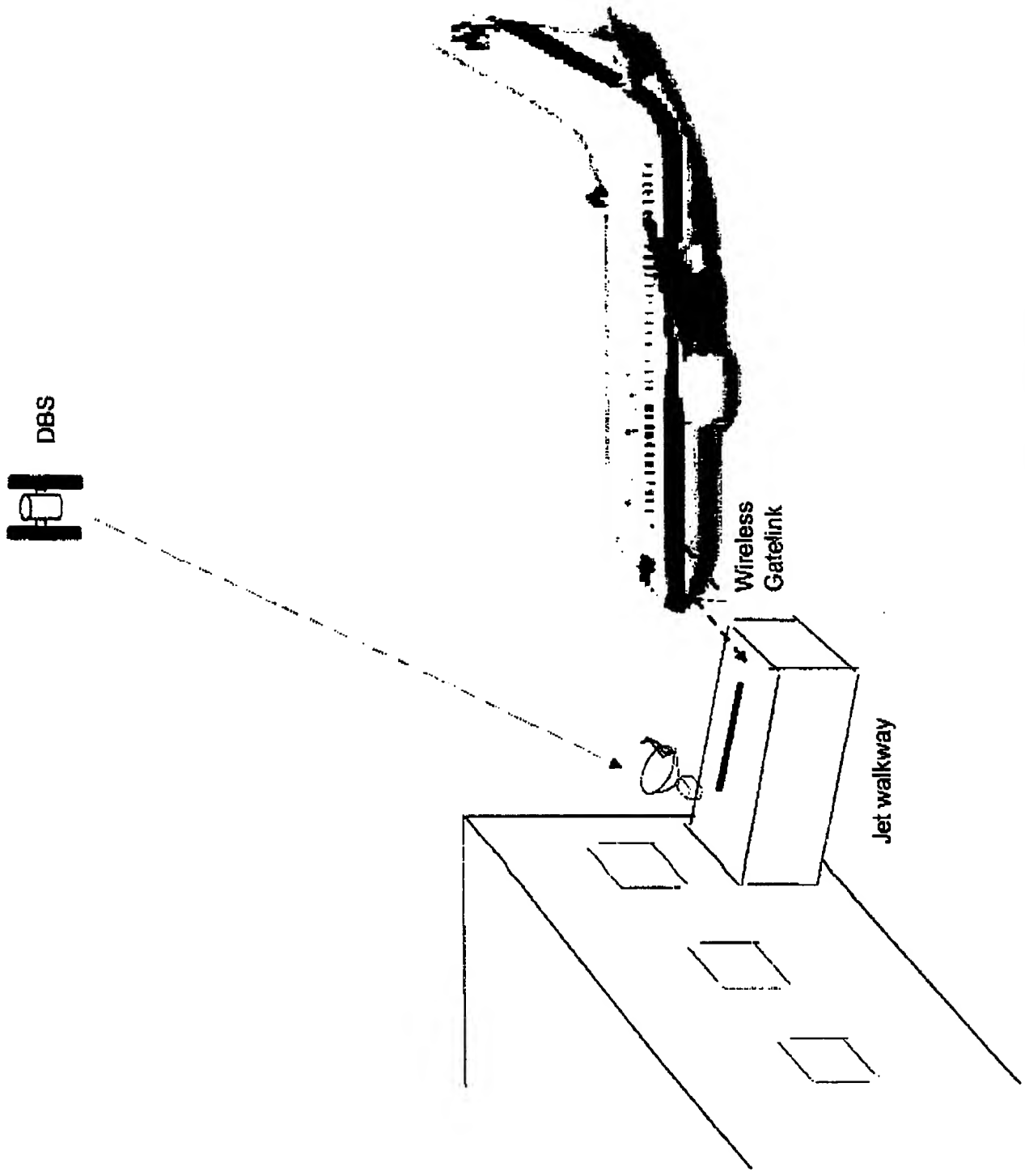
Company Proprietary



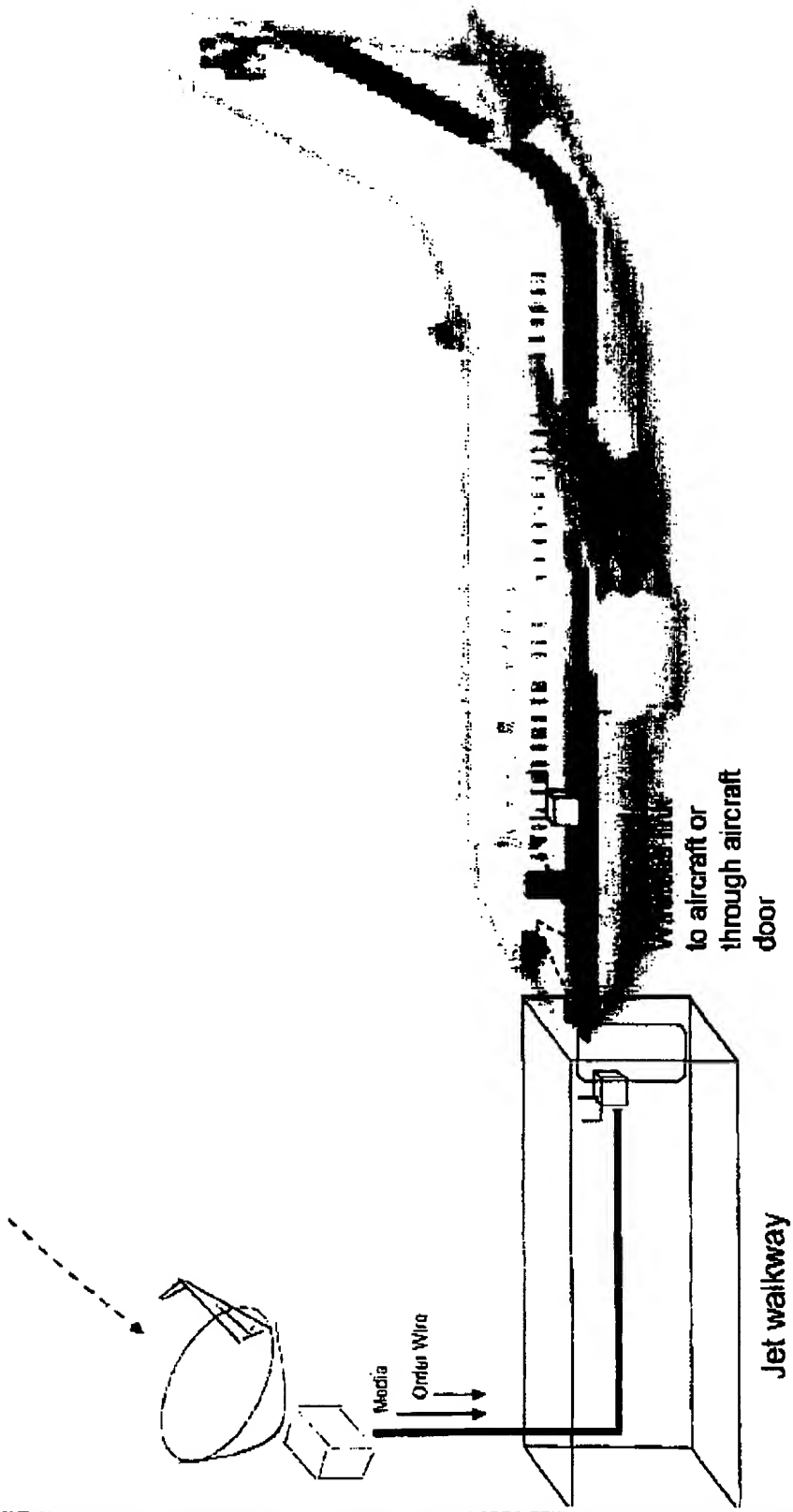








This Figure Contains Rockwell Proprietary Information



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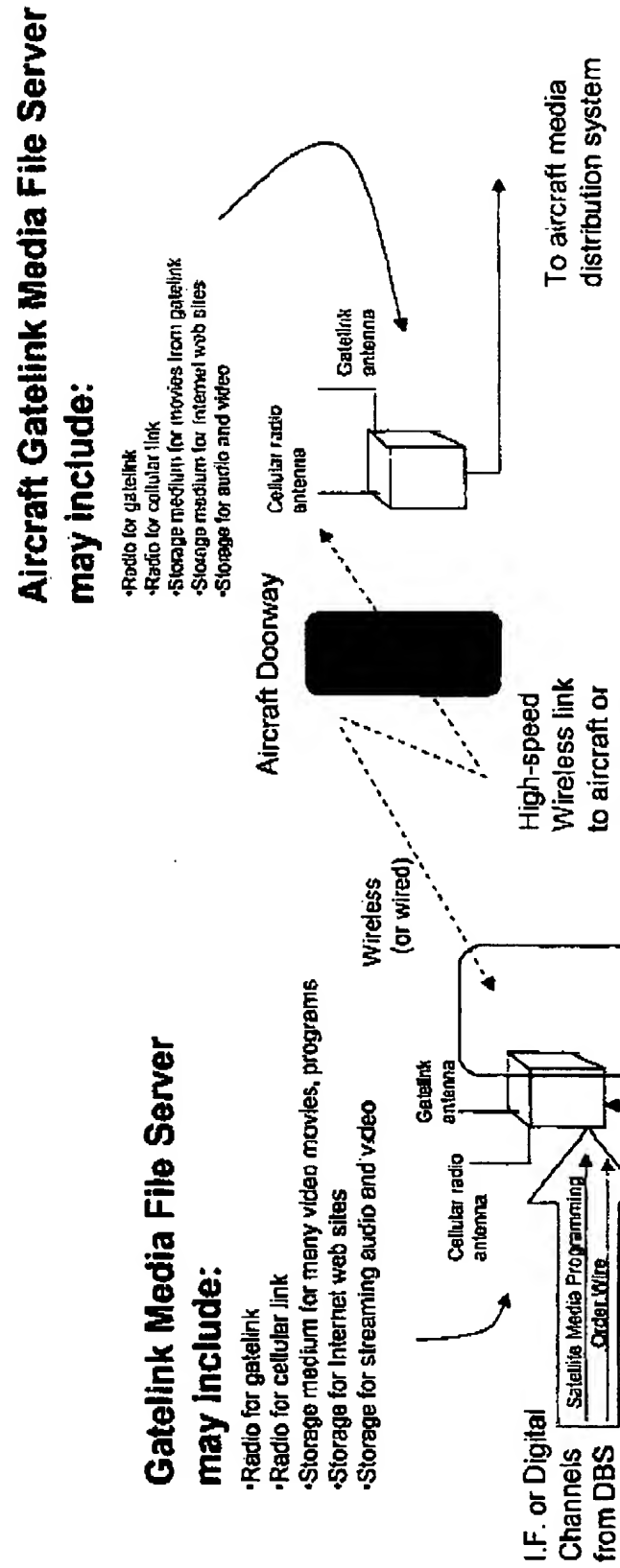

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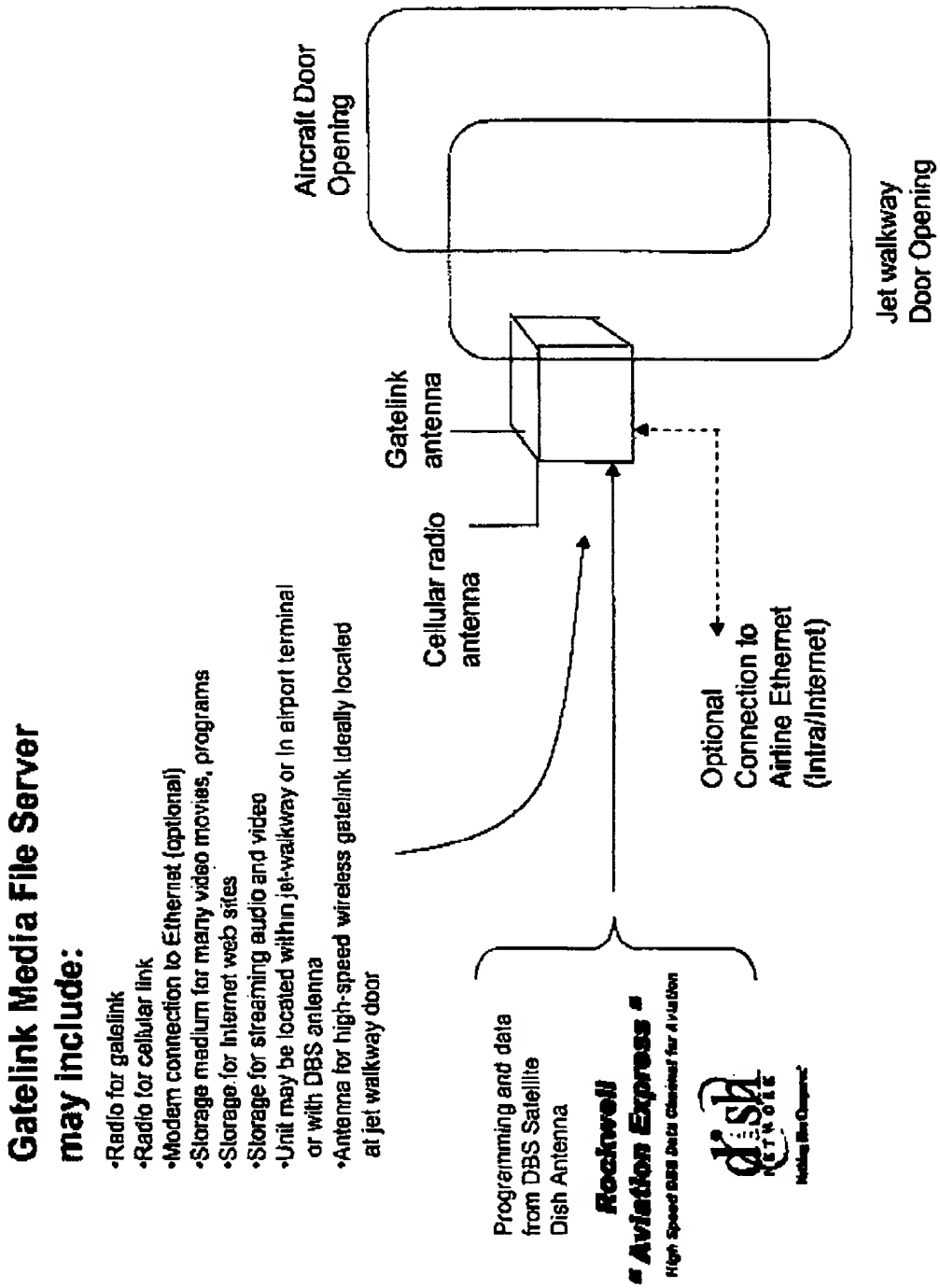

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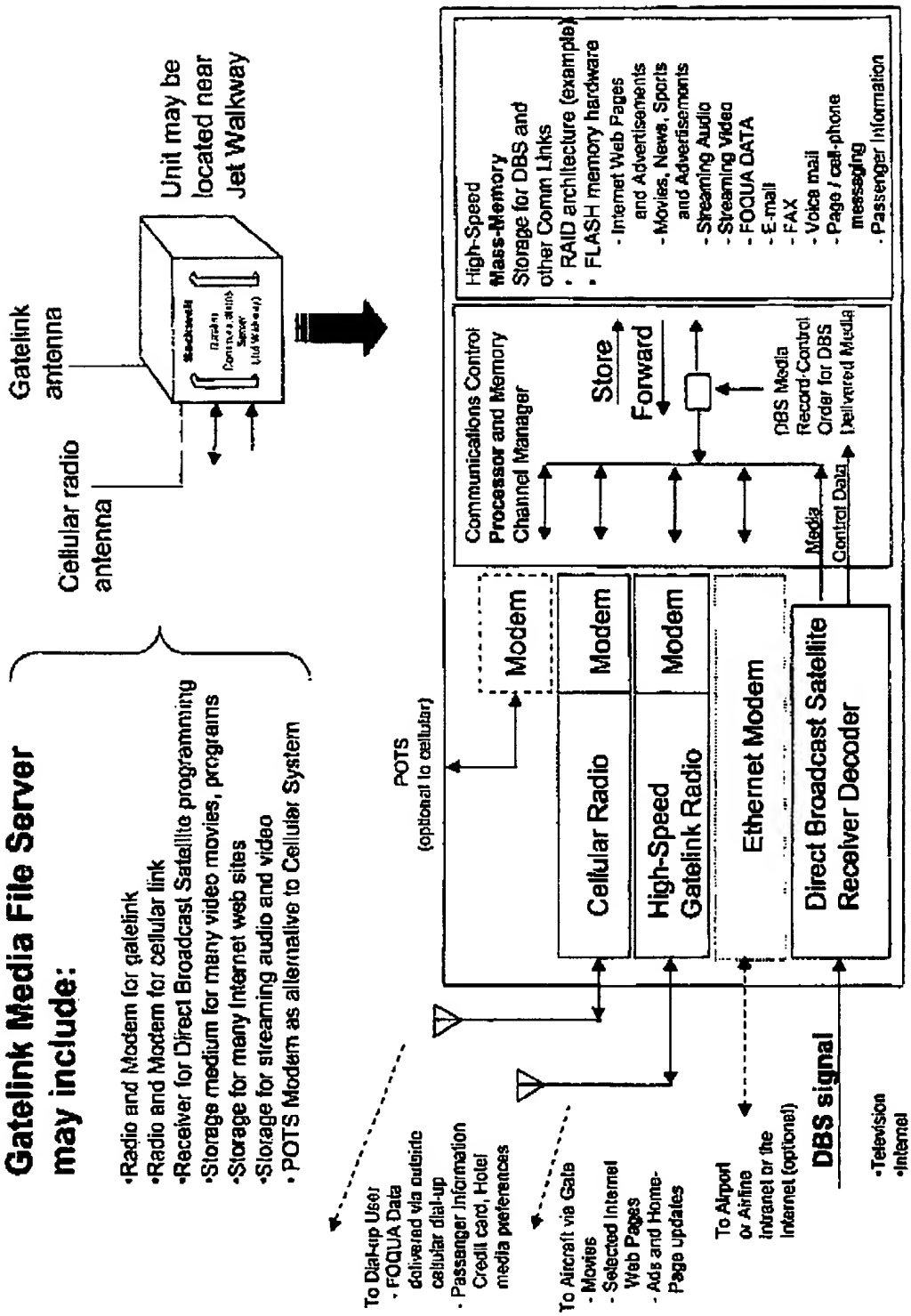


This Figure Contains Rockwell Proprietary Information

Rockwell Collins EXHIBIT 2

ATC DBS Technology Demonstration

Multi-regional Antenna

Interactive Internet, High-Speed Data, and TV

[redacted]

Demonstrated

[redacted]

Demonstrated Operational [redacted] **!**

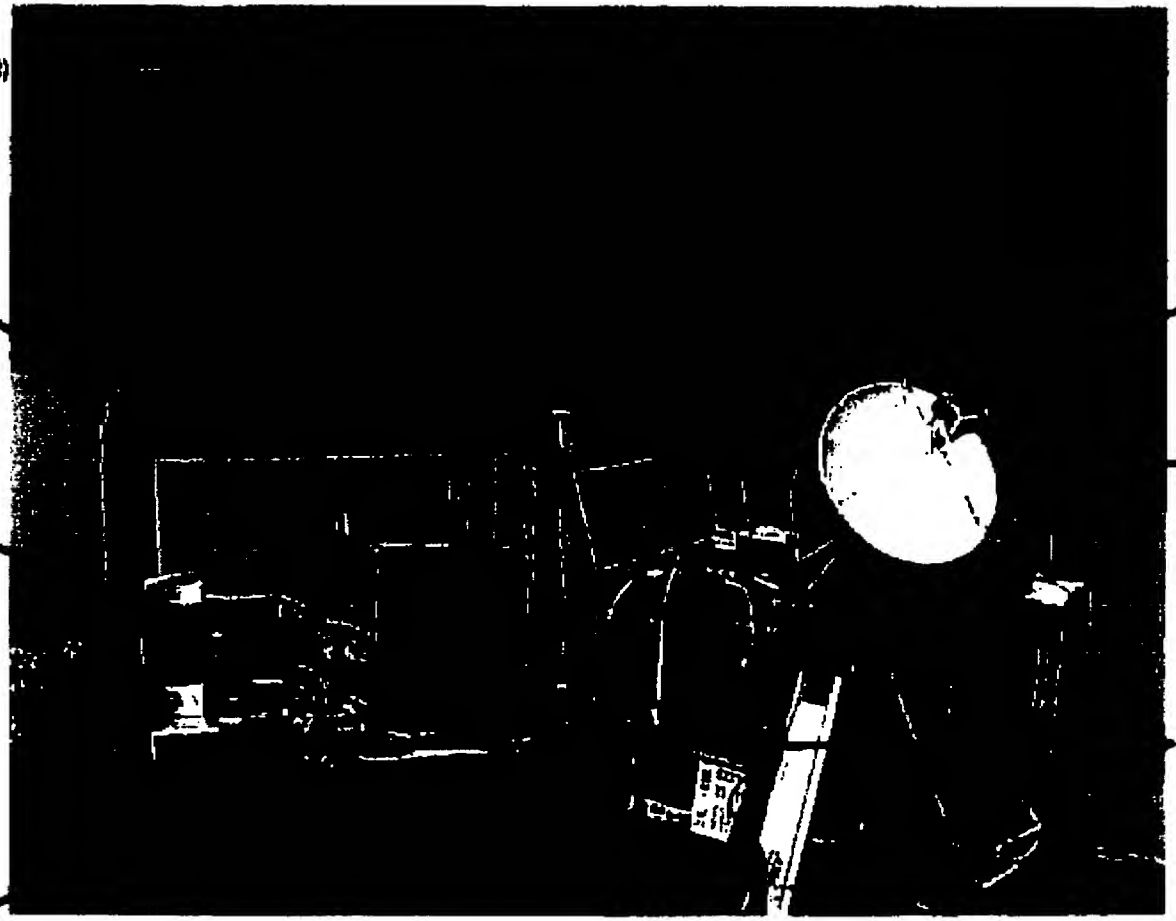
Interactive Internet Data, and/ or Dedicated Custom High-Speed Data 19.2 - 56 kbps NOW, Commercial broadcast speeds from 1 to 27.5 Mbps coming soon

True

Interactive Internet
(requires back-channel)
PC Laptop
Browsing the Web
using Standard
MS Internet Explorer
- Microsoft
- YAHOO!
- CBS MarketWatch

Dedicated High-Speed Data
(no back-channel rqd.)
PC Laptop or server capturing dedicated data.
- *"Aviation Express"*
- WSI-Lilton Weather Radar maps
- Stocks
- Sports
- Comtex Press Releases

Ruggedized COTS entitled receiver decoder unit with data interface [redacted]



[redacted] Low Noise Amplifiers

[redacted] 11.6" Multi-regional dish antenna pointed at [redacted] commercial Ku-band satellite

Card fits into Passenger Systems 7- channel MRDU

[redacted] Channel 552 delivers our custom Internet capability / data via [redacted] High-Speed data Network ([redacted]) - client PC and up-link communications software developed by [redacted]

This Figure Contains Rockwell Proprietary Information

[redacted]